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6 IN THE UNITED STATES DISTRICT COURT  
7  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9

10 UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

11 Plaintiff,

12 v.

**ORDER DENYING SECTION 2202  
PETITION**

13 DALE SCOTT HEINEMAN,

14 Defendant.  
15 \_\_\_\_\_/

16 Pro se prisoner Dale Heineman has filed a petition pursuant to Section 2202 of Title 28  
17 of the United States Code, by which he seeks to set aside his criminal conviction. Specifically,  
18 he seeks dismissal of his criminal conviction on the grounds that the court lacks jurisdiction,  
19 and further asks for a declaratory determination of “whether the United States is still a  
20 Constitutional Republic, or has degenerated into a judicial tyranny” (Dkt. Nos. 833 at 2; 836 at  
21 5).

22 Heineman raises no viable grounds for his jurisdictional challenge. A prior order  
23 already dismissed defendant’s previously raised challenge to subject-matter jurisdiction (Dkt.  
24 No. 643). His motion seeking an order that there is not jurisdiction over him and therefore  
25 voiding his conviction is **DENIED**.

26 Heineman further lists a number of “questions” upon which he seeks a declaratory  
27 judgment, beginning with the question of whether “the Constitution of the United States, all  
28 laws of the United States made in pursuance to the Constitution, and all Treaties that were made  
at the time of ratification or will be made upon ratification of the Constitution, the Supreme


1 Law of the Land?" (Dkt. No. 836 at 5). He then asks the Court to affirm this, and other similar  
2 principles related to the Constitution. This didactic exercise, which goes on for 102 pages, is  
3 not a proper claim, and does not warrant any response.

4 Finally, Heineman submits an "interested party's motion for speedy hearing on his  
5 petition for declaratory judgment under 28 U.S.C. 2201 as contemplated by Rule of Civil  
6 Procedure 57" (Dkt. No. 837). No such hearing, however, is necessary here as these motions  
7 can be decided on the briefs.

8 Heineman's motions to void the judgment against him, and for declaratory judgments  
9 are **DENIED**. There will be no hearing on these motions.

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12 **IT IS SO ORDERED.**

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14 Dated: November 3, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE